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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

, , , , , , , , , , , , , , , , , , , ,	'ILIO'ULAOKALANI COALITION, a)	Civil No. 04-00502 DAE BMK
association; and KĪPUKA, a Hawaiʻi unincorporated association, V. DONALD H. RUMSFELD, Secretary of) Defense; and FRANCIS J. HARVEY, Secretary of the United States Department of the Army, SUBSTITUTE PROPOSED SECOND AMENDED COMPLAINT; EXHIBIT "B"; CERTIFICATE OF SERVICE Hearing: Date: November 16, 2006 Time: 9:30 a.m. Judge: Hon. Barry M. Kurren	Hawai'i nonprofit corporation; NĀ 'IMI)	
unincorporated association, (B"; CERTIFICATE OF SERVICE (Plaintiffs, (V.) (DONALD H. RUMSFELD, Secretary of) (Defense; and FRANCIS J. HARVEY, (Secretary of the United States (Department of the Army, (Double Complaint; EXHIBIT (B"; CERTIFICATE OF SERVICE (Department of SERVICE (Department of Secretary of) (Date: November 16, 2006 (Date: Pisson (Date: Pi	PONO, a Hawai'i unincorporated)	PLAINTIFFS' NOTICE OF FILING
) "B"; CERTIFICATE OF SERVICE Plaintiffs, v. Hearing: DONALD H. RUMSFELD, Secretary of) Defense; and FRANCIS J. HARVEY, Secretary of the United States Department of the Army, "B"; CERTIFICATE OF SERVICE Hearing: Judge: November 16, 2006 Time: 9:30 a.m. Judge: Hon. Barry M. Kurren	association; and KĪPUKA, a Hawai'i)	SUBSTITUTE PROPOSED SECOND
Plaintiffs, v. Hearing: DONALD H. RUMSFELD, Secretary of) Defense; and FRANCIS J. HARVEY, Secretary of the United States Department of the Army, Judge: Hon. Barry M. Kurren	unincorporated association,)	AMENDED COMPLAINT; EXHIBIT
v.) Hearing:) DONALD H. RUMSFELD, Secretary of) Date: November 16, 2006 Defense; and FRANCIS J. HARVEY,) Time: 9:30 a.m. Secretary of the United States) Judge: Hon. Barry M. Kurren Department of the Army,))	"B"; CERTIFICATE OF SERVICE
DONALD H. RUMSFELD, Secretary of) Date: November 16, 2006 Defense; and FRANCIS J. HARVEY, Time: 9:30 a.m. Secretary of the United States Judge: Hon. Barry M. Kurren Department of the Army,	Plaintiffs,)	
DONALD H. RUMSFELD, Secretary of) Date: November 16, 2006 Defense; and FRANCIS J. HARVEY, Time: 9:30 a.m. Secretary of the United States Judge: Hon. Barry M. Kurren Department of the Army,)	
Defense; and FRANCIS J. HARVEY,) Time: 9:30 a.m. Secretary of the United States) Judge: Hon. Barry M. Kurren Department of the Army,)	v.)	Hearing:
Defense; and FRANCIS J. HARVEY,) Time: 9:30 a.m. Secretary of the United States) Judge: Hon. Barry M. Kurren Department of the Army,))	
Secretary of the United States) Judge: Hon. Barry M. Kurren) Department of the Army,)	DONALD H. RUMSFELD, Secretary of)	Date: November 16, 2006
Department of the Army,)	Defense; and FRANCIS J. HARVEY,)	Time: 9:30 a.m.
)	Secretary of the United States)	Judge: Hon. Barry M. Kurren
Defendants.)	Department of the Army,	
Defendants.))	
)	Defendants.	
)	

PLAINTIFFS' NOTICE OF FILING SUBSTITUTE PROPOSED SECOND AMENDED COMPLAINT

PLAINTIFFS' NOTICE OF FILING SUBSTITUTE PROPOSED SECOND AMENDED COMPLAINT

Plaintiffs 'Īlio'ulaokalani Coalition, Nā 'Imi Pono, and Kīpuka (collectively, the "Hawaiian Groups") hereby submit a revised proposed Second Amended Complaint, to be substituted for the previous version attached to the Hawaiian Groups' Motion To File Second Amended Complaint And To Add Necessary Parties ("Joinder Motion"), filed on November 7, 2006. The substitute proposed pleading is attached hereto as Exhibit "B."

Subsequent to the expedited filing of their Joinder Motion, the Hawaiian Groups were able to confirm the specific entity required to be joined as a necessary party with respect to the defendants' acquisition of about 24,000 acres of land on the island of Hawai'i, and have revised their proposed Second Amended Complaint accordingly. The Hawaiian Groups respectfully request the Court to substitute the attached proposed Second Amended Complaint for the previously filed version in considering the Hawaiian Groups' Joinder Motion, which is scheduled to be heard on November 16, 2006.

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DATED: Honolulu, Hawai'i, November 9, 2006.

EARTHJUSTICE David L. Henkin Isaac H. Moriwake

223 South King Street, Suite 400

Honolulu, Hawai'i 96813

By: /s/ David L. Henkin

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